



National Highway Traffic Safety Administration

[Docket No. NHTSA-2020-0054; Notice 1]

Notice of Receipt of Petition for Decision that Nonconforming Model Year 2019 Schuler Spezialfahrzeuge GmbH Trailers are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: This document announces the National Highway Traffic Safety Administration (NHTSA) receipt of a petition for a decision that model year (MY) 2019 Schuler Spezialfahrzeuge GmbH trailers that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards (FMVSS), are eligible for importation into the United States because they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and may be submitted by any of the following methods:

- **Mail:** Send comments by mail addressed to the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE, Washington, DC 20590.
- **Hand Delivery:** Deliver comments by hand to the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 am to 5 pm except for Federal Holidays.

- Electronically: Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at <https://www.regulations.gov/>. Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493-2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard along with the comments. Note that all comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at <https://www.regulations.gov> by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a Federal Register notice published on April 11, 2000, (65 FR 19477-78).

FOR FURTHER INFORMATION CONTACT: Robert Mazurowski, Office of Vehicle Safety Compliance, NHTSA (202-366-1012).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. § 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. § 30115, and of the same MY as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice of each petition that it receives in the **Federal Register**, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Skytop Rover Co., Inc., (Registered Importer R-6-343), of Philadelphia, Pennsylvania has petitioned NHTSA to decide whether nonconforming MY 2019 Schuler Spezialfahrzeuge GmbH trailers are eligible for importation into the United States. The vehicles which America's Import & Export Authority Inc. believes are capable of being readily altered to conform to all applicable FMVSS.

Skytop Rover Co., Inc. submitted information with its petition intended to demonstrate that non-U.S. certified MY 2019 Schuler Spezialfahrzeuge GmbH trailers, as originally manufactured, conform to many applicable FMVSS, or are capable of being readily altered to conform to those standards. Specifically, the petitioner claims that the non-U.S. certified MY 2019 Schuler Spezialfahrzeuge GmbH trailers, as originally manufactured, are only subject to: FMVSS Nos. 108, Lamps, Reflective Devices and Associated Equipment, 119, New Pneumatic Tires, 120, Tire and Rim Selection, 121, Air Brake Systems, 223, Rear Impact Guards, 224, Rear Impact Protection.

The petitioner also contends that the subject non-U.S. certified vehicles meet the following FMVSS:

FMVSS No. 108, Lamps, Reflective Devices and Associated Equipment: the petitioner claims the vehicle meets all aspects of this standard. The petitioner provided pictures of the lighting and retro-reflective tape on the vehicle as equipped however the images revealed no retroreflective tape applied to the upper corners of the rear extremity of the vehicle.

FMVSS No. 119, New Pneumatic Tires: The petitioner claims the vehicle is equipped with tires that bear the relevant "DOT" markings/symbols and all required information for U.S. DOT certification.

FMVSS No. 121, Air Brake Systems: The petitioner claims the vehicle meets all aspects of this standard. The petitioner provided a test report limited in scope to service brake and park brake actuation and release timing tests. The test report showed results that are within the requirements for brake actuation specified for this FMVSS. The petitioner did not provide any further substantiation of compliance with this standard.

FMVSS Nos. 223, Rear Impact Guards and 224, Rear Impact Protection: The petitioner claims the rearmost structural element of the trailer has a ground clearance of less than 22 inches and therefor is excluded from the requirements of FMVSS No. 224. The petitioner also states that a rear impact guard is not required therefor FMVSS No. 223 is not applicable. The petitioner provided photographs depicting the measurements of the ground clearance of the rearmost structural member of the trailer that appear to support this claim.

The petitioner also contends that the subject non-U.S. certified vehicles are capable of meeting the requirements set forth in 49 CFR Part 565, Vehicle Identification Number Requirements and 49 CFR, Part 567, Certification by affixing a safety certification label to the trailer on the "Left Front Half at Shoulder Height" that contains the VIN number of the vehicle to fully comply with these standards.

Authority: 49 U.S.C. 30141(a)(1)(A), (a)(1)(B), and (b)(1); 49 CFR 593.7; delegation of authority at 49 CFR 1.95 and 501.8.

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

Billing Code 4910-59-P

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